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FISH & RICHARDSON P.C.  
PO BOX 1022  
MINNEAPOLIS MN 55440-1022

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AUG 15 2007

**OFFICE OF PETITIONS**

In re Application of :  
Parunak et al. : DECISION ON APPLICATION  
Application No. 10/014,520 : FOR  
Filed: December 14, 2001 : PATENT TERM ADJUSTMENT  
Atty Docket No. 19662-026001 :

This is a decision on the "REQUEST FOR RECONSIDERATION OF PATENT TERM ADJUSTMENT UNDER 37 C.F.R. §1.705(b)," filed July 24, 2007. Applicants request that the initial determination of patent term adjustment under 35 U.S.C. 154(b) be corrected from thirty-four (34) days to seventy-one (71) days.

The application for patent term adjustment is GRANTED.

The Office has updated the PAIR screen to reflect that the correct Patent Term Adjustment (PTA) determination at the time of the mailing of the notice of allowance is **seventy-one (71) days**. A copy of the updated PAIR screen, showing the correct determination, is enclosed.

On April 24, 2007, the Office mailed the Determination of Patent Term Adjustment under 35 U.S.C. 154(b) in the above-identified application. The Notice stated that the patent term adjustment (PTA) to date is 34 days. On July 24, 2007, applicants timely submitted the instant application for patent term adjustment<sup>1</sup>. Applicants' basis for the application for patent term adjustment is the calculation of a period of application delay based on the May 19, 2004 mailing date of the Final Rejection instead of from the proper June 24, 2004 mailing date of the Notice of Restarted Response Period. As applicants' response was filed on October 20, 2004, applicants assert that the period of applicant delay should be 25 days, not 62 days. Applicants otherwise agree with

<sup>1</sup> PALM records indicate that the Issue Payment was filed on July 24, 2007.

the calculation of patent term adjustment at the time of the mailing of the notice of allowance.

Applicants state that the subject U.S. patent is not subject to a terminal disclaimer.

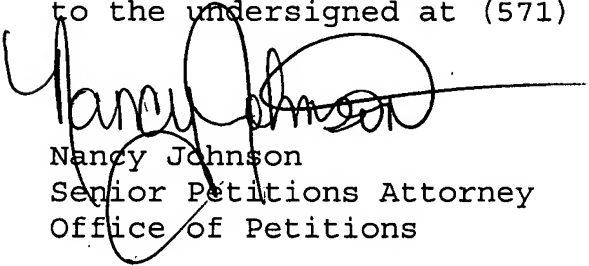
In this instance, applicants are correct. Any delay should be calculated based on the date of the Restarted Response Period and not based on the date of the mailing of the original Office action. As applicants' response was received three months and 25 days after the Notice of Restarted Response Period, the period of applicant delay within the meaning of §1.704(b) is 25 days (i.e. September 26, 2004 to October 20, 2004).

In view thereof, the correct determination of patent term adjustment at the time of the mailing of the notice of allowance is 71 days.

The 200.00 fee set forth in 37 CFR 1.18(e) is being charged to petitioner's Deposit Account, as authorized. No additional fees are required.

The application is being forwarded to the Publications Division for issuance of a patent. The patent term adjustment indicated on the patent (as shown on the Issue Notification mailed about three weeks prior to patent issuance) will include any additional adjustment accrued both for Office delay in issuing the patent more than four months after payment of the issue fee and satisfaction of all outstanding requirements, and if applicable, for the Office taking in excess of three years to issue the patent (to the extent that the three-year period does not overlap with periods already accorded).

Telephone inquiries specific to this matter should be directed to the undersigned at (571) 272-3219.



Nancy Johnson  
Senior Petitions Attorney  
Office of Petitions

Enclosure: Copy of REVISED PAIR Screen

Day : Monday  
Date: 8/13/2007

# PALM INTRANET

Time: 20:52:29

## PTA Calculations for Application: 10/014520

Application Filing Date:	12/14/2001	PTO Delay (PTO):	285
Issue Date of Patent:		Three Years:	0
Pre-Issue Petitions:	0	Applicant Delay (APPL):	251
Post-Issue Petitions:	0	Total PTA (days):	71
PTO Delay Adjustment:	37		

## File Contents History

Number	Date	Contents Description	PTO	APPL	START
104	08/13/2007	ADJUSTMENT OF PTA CALCULATION BY PTO		25	
103	08/13/2007	ADJUSTMENT OF PTA CALCULATION BY PTO	62		
93	04/24/2007	MAIL NOTICE OF ALLOWANCE			
92	04/20/2007	ISSUE REVISION COMPLETED			
91	04/20/2007	NOTICE OF ALLOWANCE DATA VERIFICATION COMPLETED			
90	04/18/2007	DOCUMENT VERIFICATION			
89	04/18/2007	ALLOWED CASE RETURNED TO THE EXAMINER FOR CLERICAL PROCESSING			
88	04/16/2007	NOTICE OF ALLOWABILITY			
87	10/16/2006	INFORMATION DISCLOSURE STATEMENT CONSIDERED			
86	04/13/2007	CORRESPONDENCE ADDRESS CHANGE			
85	04/13/2007	CHANGE IN POWER OF ATTORNEY (MAY INCLUDE ASSOCIATE POA)			
84	03/30/2007	MISCELLANEOUS INCOMING LETTER			
83	01/22/2007	NEW OR ADDITIONAL DRAWING FILED			
82	02/01/2007	DATE FORWARDED TO EXAMINER			
81	01/22/2007	RESPONSE AFTER NON-FINAL ACTION		31	74
80	01/22/2007	REQUEST FOR EXTENSION OF TIME - GRANTED			
79	01/18/2007	MAIL MISCELLANEOUS COMMUNICATION TO APPLICANT			
78	01/10/2007	MISCELLANEOUS COMMUNICATION TO APPLICANT - NO ACTION COUNT			
77	01/09/2007	EXAMINER INTERVIEW SUMMARY RECORD (PTOL - 413)			
76	10/16/2006	REFERENCE CAPTURE ON IDS			

75	10/16/2006	INFORMATION DISCLOSURE STATEMENT (IDS) FILED			
74	09/22/2006	MAIL NON-FINAL REJECTION			
73	09/18/2006	NON-FINAL REJECTION			
72	09/19/2006	MAIL MISCELLANEOUS COMMUNICATION TO APPLICANT			
71	06/26/2006	NEW OR ADDITIONAL DRAWING FILED			
70	07/05/2006	DATE FORWARDED TO EXAMINER			
69	06/26/2006	AMENDMENT SUBMITTED/ENTERED WITH FILING OF CPA/RCE			
68	07/05/2006	DATE FORWARDED TO EXAMINER			
67	06/26/2006	REQUEST FOR CONTINUED EXAMINATION (RCE)		63	61
66	07/05/2006	DISPOSAL FOR A RCE/CPA/129 (EXPRESS ABANDONMENT IF CPA)			
65	06/26/2006	REQUEST FOR EXTENSION OF TIME - GRANTED			
64	06/26/2006	WORKFLOW - REQUEST FOR RCE - BEGIN			
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62	03/28/2006	EXAMINER INTERVIEW SUMMARY RECORD (PTOL - 413)			
61	01/24/2006	MAIL FINAL REJECTION (PTOL - 326)			
60	01/23/2006	FINAL REJECTION			
59	11/18/2005	DATE FORWARDED TO EXAMINER			
58	11/10/2005	RESPONSE AFTER NON-FINAL ACTION			
57	08/10/2005	MAIL NON-FINAL REJECTION			
56	08/05/2005	NON-FINAL REJECTION			
55	07/21/2005	DATE FORWARDED TO EXAMINER			
54	07/13/2005	AMENDMENT SUBMITTED/ENTERED WITH FILING OF CPA/RCE			
53	07/21/2005	DATE FORWARDED TO EXAMINER			
52	07/13/2005	REQUEST FOR CONTINUED EXAMINATION (RCE)		93	33
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50	07/13/2005	REQUEST FOR EXTENSION OF TIME - GRANTED			
46	07/13/2005	WORKFLOW - REQUEST FOR RCE - BEGIN			
45	07/12/2005	WORKFLOW - REQUEST FOR RCE - FINISH			

44	07/12/2005	WORKFLOW - REQUEST FOR RCE - BEGIN			
43	07/13/2005	MAIL MISCELLANEOUS COMMUNICATION TO APPLICANT			
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41	07/06/2005	MAIL ADVISORY ACTION (PTOL - 303)			
40	07/01/2005	ADVISORY ACTION (PTOL-303)			
39	07/05/2005	MAIL MISCELLANEOUS COMMUNICATION TO APPLICANT			
38	07/01/2005	MISCELLANEOUS COMMUNICATION TO APPLICANT - NO ACTION COUNT			
37	07/01/2005	EXAMINER INTERVIEW SUMMARY RECORD (PTOL - 413)			
36	06/30/2005	DATE FORWARDED TO EXAMINER			
35	04/13/2005	AMENDMENT AFTER FINAL REJECTION			
34	04/19/2005	CORRESPONDENCE ADDRESS CHANGE			
33	01/11/2005	MAIL FINAL REJECTION (PTOL - 326)			
32	01/10/2005	FINAL REJECTION			
31	10/22/2004	INFORMATION DISCLOSURE STATEMENT (IDS) FILED		2	29
30	11/01/2004	DATE FORWARDED TO EXAMINER			
29	10/20/2004	RESPONSE AFTER NON-FINAL ACTION		62	18
28	10/20/2004	REQUEST FOR EXTENSION OF TIME - GRANTED			
27	10/20/2004	WORKFLOW INCOMING AMENDMENT IFW			
26	07/13/2004	IFW TSS PROCESSING BY TECH CENTER COMPLETE			
25	06/28/2004	INFORMATION DISCLOSURE STATEMENT (IDS) FILED			
24	06/24/2004	INFORMATION DISCLOSURE STATEMENT (IDS) FILED			
23	06/15/2004	REFERENCE CAPTURE ON IDS			
22	06/15/2004	INFORMATION DISCLOSURE STATEMENT (IDS) FILED			
21	06/25/2004	MAIL NOTICE OF RESTARTED RESPONSE PERIOD			
20	06/23/2004	LETTER RESTARTING PERIOD FOR RESPONSE (I.E. LETTER RE: REFERENCES)			
19	06/23/2004	CORRESPONDENCE ADDRESS CHANGE			
18	05/19/2004	MAIL NON-FINAL REJECTION			
17	05/17/2004	NON-FINAL REJECTION			

16	04/18/2004	CORRESPONDENCE ADDRESS CHANGE			
15	04/19/2004	CHANGE IN POWER OF ATTORNEY (MAY INCLUDE ASSOCIATE POA)			
14	04/19/2004	CHANGE IN POWER OF ATTORNEY (MAY INCLUDE ASSOCIATE POA)			
13	03/03/2004	DATE FORWARDED TO EXAMINER			
12	02/06/2004	RESPONSE TO ELECTION / RESTRICTION FILED			
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10	11/26/2003	MAIL RESTRICTION REQUIREMENT	285		-1
9	11/25/2003	REQUIREMENT FOR RESTRICTION / ELECTION			
8	12/19/2002	INFORMATION DISCLOSURE STATEMENT (IDS) FILED			
7	10/31/2002	INFORMATION DISCLOSURE STATEMENT (IDS) FILED			
6	08/15/2002	CASE DOCKETED TO EXAMINER IN GAU			
5	01/08/2002	APPLICATION DISPATCHED FROM OIPE			
4	01/07/2002	APPLICATION IS NOW COMPLETE			
2	12/26/2001	IFW SCAN & PACR AUTO SECURITY REVIEW			
1	12/14/2001	INITIAL EXAM TEAM NN			

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#### **EXPLANATION OF PTA CALCULATION**

#### **EXPLANATION OF PTE CALCULATION**

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